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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/200,631	11/30/98	ASHTON	C 1569/1570

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EXAMINER

ENG, G

ART UNIT

PAPER NUMBER

2743

3

DATE MAILED: 09/11/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/200,631

Applicant(s)

Ashton et al.

Examiner

George Eng

Group Art Unit  
2743



☒ Responsive to communication(s) filed on Nov 30, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-14 is/are pending in the application

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-14 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 5/2/2000 (paper no. 2) has been considered.

### ***Claim Objections***

2. Claim 3 is objected to because of the following informalities: claim 3, line 2, "data" should be --signals--. Appropriate correction is required.

### ***Claim Rejections - 35 U.S.C. § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 5, 8 and 10-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Skinner, Sr (US PAT. 5,355,401 hereinafter Skinner).

Regarding claim 1, Skinner discloses a fiber optic cable telephony network for transmitting communication data between a telephone company central office (13) and a remote user device (27) comprising a digital subscriber line access multiplexer (19) for converting the communication data

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from a digital optical state to a digital electrical state, a fiber optic communication medium (6) for transferring the communication data between the telephone company central office and the digital subscriber line access multiplexer, a power source (32) for supplying an electrical supply voltage to power the digital subscriber line access multiplexer, the power source having an AC power feed (33) for providing power to the digital subscriber line access multiplexer and a DC power feed (35) for providing power to the digital subscriber line access multiplexer when the AC power feed is not supplying power to the digital subscriber line access multiplexer, and an electrical conducting medium (15) for conducting the electrical supply voltage and the communication data from the digital subscriber line access multiplexer to a network interface device in electrical communication with the remote user device (figures 2-3, col. 3 line 65 through col. 4 line 19 and col. 5 lines 15-64).

Regarding claim 2, Skinner discloses the system further comprising an interface to provide an access point to connect a plurality of communication signals from the digital subscriber line access multiplexer to the electrical conducting medium (col. 4 lines 7-10).

Regarding claim 3, Skinner discloses a digital loop carrier for providing a plurality of digital communication signals to the digital subscriber line access multiplexer.

Regarding claim 5, Skinner discloses that the power source is remote from the digital subscriber line access multiplexer and supplies power to a plurality of digital subscriber line access multiplexer (figure 2).

Regarding claims 8 and 10, Skinner discloses the remote user device comprising a telephone 27 and a television 26 (figure 2).

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Regarding claim 11, Skinner discloses the power source comprising a plurality of rectifiers, a plurality of converters, a plurality of current limiters, and a plurality of batteries configured to a supply DC voltage to the digital subscriber line access multiplexer (figure 3 and col. 5 lines 28-64).

Regarding claim 12, Skinner discloses the power source comprising an alarm system for monitoring the operation of power source and relay operation information to the telephone company central office (col. 5 line 64 through col. 6 line 7).

Regarding claim 13, Skinner discloses the system comprising a plurality of conducting mediums (figure 2).

Regarding claim 14, the limitations of the claim are rejected as the same reasons set forth in claim 1.

***Claim Rejections - 35 U.S.C. § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and

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invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 4 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skinner, Sr (US PAT. 5,355,401 hereinafter Skinner).

Regarding claims 4 and 6-7, Skinner differs from the claimed invention in not specifically teaching that the power source is located proximate to the digital subscriber line access multiplexer, the telephone company central office or a digital loop carrier. However, it appears that there would be no invention in shifting the power source disclosed by Skinner to a different location since the operation of the system would not be thereby be modified. Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Skinner in locating the power source proximate to different location based upon the design purposes.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Skinner, Sr (US PAT. 5,355,401 hereinafter Skinner) in view of Nilssen (US PAT. 5,623,531).

Regarding claim 9, Skinner differs from the claimed invention in not specifically teaching the remote user device comprising a computer. However, it is well known in the art of subscriber premises comprising computers, for example see Nilssen (figure 4B, CT). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify

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Skinner in comprising the computer, as per teaching Nilssen, in order to enhancing the system for distributing power to different kinds of telecommunication devices.

*Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Skinner, Sr (US PAT. 5,664,002) discloses a method for providing power to a coaxial cable network (abstract).

9. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 308-6306, (for formal communications intended for entry)

**Or:**

(703) 308-6296 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Eng whose telephone number is (703) 308-9555. The examiner can normally be reached on Tuesday to Friday from 7 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (703) 305-4708.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

GEORGE ENG

September 7, 2000

  
WING F. CHAN  
PRIMARY EXAMINER